

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Barry Howard Lee et al.

Application No.: 10/541,940

I.A. Filing Date: January 13, 2003

For: MEASURING TAPE AND MEASURING
TAPE END PIECE

Group Art Unit: Unassigned

Examiner: Unassigned

Confirmation No.: 8616

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. §371

Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Missing Requirements mailed February 14, 2006 (copy attached), please be advised that the executed Declaration of the inventors in the above-identified patent application was filed in the U.S. Patent and Trademark Office on January 11, 2006, prior to receipt of the Notification of Missing Requirements. A copy of the previous submission including the PTO-stamped postcard acknowledging receipt is attached.

The Notification also indicates that a multiple dependent claim surcharge is also required. Applicants believe no such charge is required because a Preliminary Amendment eliminating the multiple dependent claims was filed with the original application on July 12, 2005, and is available on Private PAIR.

It is respectfully submitted that all items required in order to complete the requirements for acceptance under 35 U.S.C. §371 have been previously submitted. Therefore, applicants request withdrawal of the Notification of Missing Requirements and issuance of a Notice of Acceptance Under 371 with a §102(e) date of January 11, 2006.

Since applicants have previously submitted all portions of the application required under 35 U.S.C. §371 prior to the mailing date of the Notification of Missing Requirements, it is believed that no extension of time is necessary with this response. However, should any extension of time be required, applicants hereby petition for an extension of time pursuant to 37 C.F.R. §1.136(a). Applicants further authorize the payment of any such extensions of time to be made by charging Deposit Account No. 02-4800.

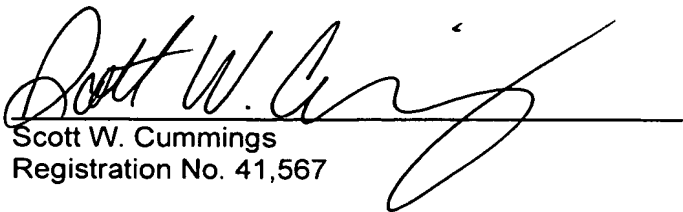
Should questions arise in connection with this response, it is respectfully requested that the Office contact the undersigned at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL PC

Date: May 15, 2006

By:



Scott W. Cummings
Registration No. 41,567

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 022681.0105PTUS
INTERNATIONAL APPLICATION NO. PCT/GB2003/000113		U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/541940
INTERNATIONAL FILING DATE 13 January 2003		PRIORITY DATE CLAIMED 13 January 2003
TITLE OF INVENTION MEASURING TAPE AND MEASURING TAPE END PIECE		
APPLICANT(S) FOR DO/EO/US Barry H. Lee et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> 1. <input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). 		
Items 11 to 20 below concern document(s) or information included:		
<ol style="list-style-type: none"> 11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 		

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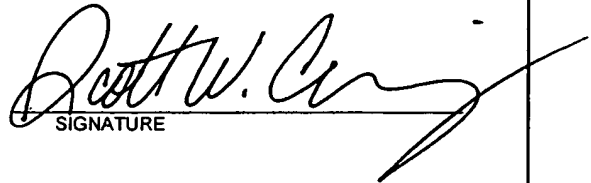
Page 2 of 3

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-2228. A duplicate copy of this sheet is enclosed.
- d. ☒ **Fees are to be charged to a credit card. WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:


SIGNATURE

Scott W. Cummings
NAME

CUSTOMER NUMBER: 32042

41,567
REGISTRATION NUMBER

PCT



UNITED STATES PATENT AND TRADEMARK OFFICE



022681.0105PTUS
 UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/541,940	Barry Howard Lee	022681.0105PTUS

INTERNATIONAL APPLICATION NO.

PCT/GB03/00113

I.A. FILING DATE	PRIORITY DATE
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01/13/2003

32042
 PATTON BOGGS LLP
 8484 WESTPARK DRIVE
 SUITE 900
 MCLEAN, VA 22102

DOCKETED
 MISSING PARTS
 DUE 4/14/06

CONFIRMATION NO. 8616

371 FORMALITIES LETTER



OC000000017993084

Date Mailed: 02/14/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 07/12/2005
- Copy of the International Search Report filed on 07/12/2005
- Preliminary Amendments filed on 07/12/2005
- Request for Immediate Examination filed on 07/12/2005
- U.S. Basic National Fees filed on 07/12/2005
- Specification filed on 07/12/2005
- Claims filed on 07/12/2005
- Abstracts filed on 07/12/2005
- Drawings filed on 07/12/2005

IP Case - Docket Stamp	
2/23/06	Doc. Docketed
4/14/06	Miss Part
9/14/06	W/SH
By: <u>[Signature]</u>	
Sec: _____	Attv: _____

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

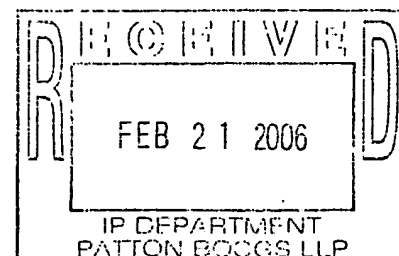
- Additional claim fees of \$360 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$360 for a Large Entity:

Scanned

2/21/06



- Total additional claim fee(s) for this application is \$ 360
 - \$360 for multiple dependent claim surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/541,940	PCT/GB03/00113	022681.0105PTUS

Atty Docket No.: 022681.0105PTUS

Inventor: Barry H. Lee et al.

Application No.: 10/541940

Title: MEASURING TAPE AND MEASURING TAPE END PIECE

Filing Date: July 12, 2005

Documents Filed:

PTO S808

Copies of 12 cited references

Oath or declaration of the inventor(s)

Information Disclosure Statement

Transmittal Letter to the United States Designated-Elected Office (3 pages)

Payment by credit card. Form PTO-2038 is attached (1 page)

Charge \$130.00 to credit card

Via:

Sender's Initials: SWC/

Date: January 11, 2006



IPC Docket Stamp

1/25/06